

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/
FENFLURAMINE/DEXFENFLURAMINE)
PRODUCTS LIABILITY LITIGATION : MDL NO. 1203
: :
THIS DOCUMENT RELATES TO: : FILED
: : MAY 29 2019
: SHEILA BROWN, et al. : By KATE BARKMAN, Clerk
: : Dep. Clerk
v. : :
: :
AMERICAN HOME PRODUCTS : :
CORPORATION : :
: : NO. 99-20593

PRETRIAL ORDER NO.

9514

AND NOW, this 29th day of May, 2019, upon consideration
of the Petition for an Award of Attorneys' Fees and Expense
Reimbursements Relating to Common Benefit Work Performed from
January 1, 2018 through December 31, 2018, and for the reasons
set forth in the accompanying Memorandum, it is hereby ORDERED
that:

1. As used herein, "Levin" means Levin Sedran & Berman.
2. The court hereby approves the reimbursement of \$6,754.10 in litigation expenses incurred by Levin, including amounts previously approved by the court or advanced pursuant to order of the court, to be paid, reimbursed and/or allocated as follows:

- a. Prior expense reimbursements in the amount of \$6,266.78 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within thirty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$3,133.39 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account that should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement;
- c. Within thirty days from the date of this Order, the Trust shall pay from the Settlement Fund the amount of \$243.66 to Levin to reimburse Levin for previously unreimbursed litigation expenses; and
- d. Within thirty days from the date of this order, the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay from the MDL 1203 Fee and Cost Account the amount of \$243.66 to Levin to reimburse Levin for previously unreimbursed litigation expenses.

3. In addition to the amounts previously awarded in Pretrial Order Nos. 2262, 2859, 7763A, 8516, 8646, 8869, 9102, 9294, 9398, 9465, 9490, and 9502, the court hereby awards Levin an attorneys' fee in the aggregate amount of \$233,057.12 for class action work performed by Levin during the period from January 1, 2018 to December 31, 2018. This fee award is to be paid by the Trust in accordance with the terms of the "Stipulation between Wyeth and Class Counsel with Regard to the

Funding of Future Awards of Class-related fees," approved by this court in PTO No. 9297.

4. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable the Trust shall disburse the payments set forth in paragraph 2 of this Order. The Trust shall make such payments by check and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payees.

5. In addition to the amounts previously awarded in Pretrial Order Nos. 2262, 2859, 7763A, 8516, 8646, 8869, 9102, 9294, 9398, 9465, 9490, and 9502, the court hereby awards Levin an attorneys' fee in the aggregate amount of \$28,562.50 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate Levin for services of benefit to the plaintiffs in MDL 1203 and the coordinated state-court litigation performed by Levin during the period from January 1, 2018 through December 31, 2018.

6. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Heather C. Giordanella, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payment set forth in Paragraph 5 of this Order. Ms. Giordanella shall make such payment by check and shall deliver

such check to the payee by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make this payment Ms. Giordanella may transfer funds from the MDL 1203 Fee and Cost Account to a disbursement account at an appropriate financial institution.

BY THE COURT:

James Bartlett J.